

Membership in the Consortium will remain open and the Consortium will file additional written notifications disclosing all changes in membership.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993; Rotorcraft Industry Technology Association, Inc.

Notice is hereby given that, on August 12, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Rotorcraft Industry Technology Association, Inc. ("RITA") filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Smiths Industries Aerospace and Defense Systems, Inc., Grand Rapids, MI has become a Supporting Member of RITA.

No other changes have been made in either the membership or planned activity of the Joint Venture.

On September 28, 1995, RITA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 3, 1996 (61 FR 14817).

The last notification was filed on May 2, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 30, 1997, (62 FR 51146).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

#### Sunshine Act Meeting

##### [F.C.S.C. Meeting Notice No. 22-97]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government

in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

**Date and Time:** Wednesday, November 5, 1997, 9:30 a.m. to 5:00 p.m.

**Subject Matter:** (1) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany; (2) Issuance of Individual Amended Proposed Decisions and Final Decisions on Claims of Holocaust Survivors Against Germany

**Status:** Closed

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC October 27, 1997.

**Judith H. Lock,**

*Administrative Officer.*

[FR Doc. 97-28851 Filed 10-28-97; 10:41 am]

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

**[Prohibited Transaction Exemption 97-59, Exemption Application No. D-10393]**

#### AEW Capital Management, L.P. (AEW) Located in Boston, MA

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemption to replace Prohibited Transaction Exemption (PTE) 93-40 involving Aldrich, Eastman & Waltch, L.P. and Aldrich, Eastman & Waltch, Inc. (collectively, Old AEW).

**SUMMARY:** This document contains an individual exemption which supersedes PTE 93-40 (58 FR 34821, June 29, 1993).<sup>1</sup> This exemption permits the

<sup>1</sup> PTE 93-40 provided exemptive relief from section 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1986 (the Code), by reason of section 4975(c)(1)(E) of the Code, with respect to the payment by employment benefit plans of certain initial investment fees and disposition fees to Old AEW. In addition, PTE 93-40 provided exemptive relief from the restrictions

replacement of Old AEW with an entity known as "AEW Capital Management, L.P." <sup>2</sup> The exemption provides conditional relief that is identical to that provided by PTE 93-40, and it will affect participants and beneficiaries of, and fiduciaries with respect to, plans utilizing real estate investment management services provided by AEW.

**EFFECTIVE DATE:** This exemption is effective as of December 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Karin Weng of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On September 5, 1997, the Department of Labor (the Department) published a notice of proposed exemption in the **Federal Register** (62 FR 47056) that would replace PTE 93-40. PTE 93-40 provided an exemption from certain prohibited transaction restrictions of section 406 of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code. The proposed exemption was requested in an application filed by AEW pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this replacement exemption is being issued solely by the Department.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility

of section 406(a)(1)(A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to the investment by the plans in a multiple client commingled account managed by Old AEW.

<sup>2</sup> Effective December 10, 1996, old AEW was renamed "AEW Capital Management, L.P.", which is hereinafter referred to in this grant notice as AEW.